

**DRAFT MINUTE OF THE MEETING OF THE
LOTHIAN AND BORDERS COMMUNITY JUSTICE AUTHORITY**

**Newbattle Abbey College, Dalkeith
Thursday 23 February 2012**

Present: Councillor John Muir (WLC) (**Chair**), Councillor Sandy Scott (SBC), Councillor Paul Edie (CEC), Councillor Kenny McLeod (ELC).

In Attendance: Rob Strachan (CJA), Michelle Miller (ECC), Patricia Kaminski (ELC), David Cressey (SBC), Fiona Young (Consultant), Dr Alan Mordue (NHS Borders), Alan Staff(Apex), Simon McLean (SACRO), Dr Nancy Loucks (Families Outside), Allister Perston, Kirsty White and Sharon Trotter (Audit Scotland), Graeme Stenhouse (CEC), Angela Gentile (CJA), John Tench (Consultant), Tracey Curran (Victim Support), Tim Ward (WLC), Eibhlin McHugh (MLC), Jim McGonigle (Job Centre Plus), Simon McLean (SACRO), Alan Malone (COPFS), Dr Alan Mordue (NHS Borders), Fiona Steel (Action for Children) Veronica MacMillan (Minute Taker, Scottish Borders Council).

Apologies: Councillor Margot Russell (MLC), Murray Lees (ELC), Andrew Lowe (SBC), David Shand (Scottish Courts Services).

CONVENER'S REMARKS

1. The Convener welcomed everyone to the meeting and remarked that he was not sure what the future held or who the political representatives would be on the CJA, but wished the CJA well and thanked his political colleagues for their support and attendance. Ms Sally Crighton from the CJA recently left and the Convener thanked her for her hard work and wished her well. Ms Kirsty White and Ms Sharon Trotter from Audit Scotland were newcomers to the CJA meeting and the Convener welcomed them.

MINUTE

2. The Minute of the meeting of 17 November 2011 had been circulated.

DECISION

APPROVED and to be added to the CJA website.

MATTERS ARISING FROM THE MINUTE

3. **Financial Protocol** – With reference to paragraph 4.1 of the Minute of 17 November 2011 the Chief Officer provided Members with a verbal update on financial protocol. The Chief Officer advised that draft four of the financial protocol was subject to discussion with Criminal Justice Social Work Directors and CSWOs, though coordination was led by Murray Lees, East Lothian Council.

DECISION

NOTED the update.

4. **Agenda for Change** - Ms Patricia Kaminski (ELC) and Ms Eibhlin McHugh (MLC) provided an update on the Agenda for Change in East Lothian and Midlothian. Ms Kaminski reported that a new model was being worked on in terms of sharing services in social work. Ms Marion Gray had produced a report that described the progress that had been made with discussions that had taken place between

Midlothian, East Lothian and Scottish Borders in terms of sharing Criminal Justice Social Work Services (CJSW) and would be discussed later in the meeting.

DECISION

NOTED the update.

5. **CJA Governance – Risk Management** – With reference to paragraph 6.1 of the Minute of 17 November 2011 there had been circulated a report by Chief Officer advising Members of the risks that had been highlighted for the CJA to respond to within the Audit Scotland report that had previously been presented to Members. One of the risks highlighted within the report included the need for a fit for purpose risk register to be introduced at the earliest opportunity.
6. There had been a great deal of progress since the Board report in November 2011, as follows: The CJA had scanned the relevant reports from the Scottish Government, Audit Scotland and others had begun to pinpoint the key risks that should be explored within a partnership context; the CJA had brought these 'recommended' risks together with the national risks agreed with CJA conveners and placed these in a single draft register, structured along the lines of financial management, communications and the CJA's seven 'P's (policy, performance, purpose, people, places, planning, partnership.) However, there was a great deal of work still to do before the anticipated risk reporting could begin and the pilot report would now need to be submitted to the CJA Board in June 2012. The CJA planned to begin a consultation with partners and stakeholders around the draft risk register by the end of February 2012 (sequenced with performance management de-brief process); and a 'Risk Management' session with partners and stakeholders was planned to be held in late April or early May 2012. This session would explore the risks in detail, agree the risks to be included in the register, rate the severity of the risks and agree how the risks should be mitigated and by whom, as well as the regularity of reporting on the relevant risks to the Board. Reporting on risk management to the CJA Board and had begun from June 2012 onwards, in accordance with the expectations from the 'Role of Boards' report.

DECISION

NOTED:-

- (a) **the progress made since November 2011 of creating a risk register for the CJA; and**
- (b) **the evolving approach to risk management and the encouragement given to partners to play a full and active part in the risk management activities planned.**

UPDATE ON CJA PRIORITIES

7. **CJA Effectiveness Test and Partnership Support Programme** – With reference to paragraph 9.2 of the Minute of 17 November 2011, there had been circulated copies of a report by Mr John Tench, Independent Facilitator advising of the key messages that emerged from the CJA effectiveness test and updating Members on how this process would inform the CJA's action plan for 2012/13 onwards.
8. An online survey of partner agencies was organised during November 2011, and was developed as an effectiveness test of the CJA by the Independent Facilitator in conjunction with the Chief Officer and CJA partners. The survey was piloted with some stakeholders before being widely distributed and the detailed results were included in Appendix 1 to the report. Overall, the results were broadly positive for the

CJA. In respect of the CJA's statutory functions, partners thought that the CJA engaged them well, shared information openly and promoted good practice. However, there were mixed reviews about how the CJA 'planned' to reduce re-offending, and how the CJA monitored performance and information sharing between partners. However, the statutory function that most partners were critical about related to how the CJA allocated resources. There was a similar picture concerning the way the CJA worked as a partnership. The CJA's shared vision, leadership, risk-based priorities and communications with partners were rated highly. However, there were mixed views on the extent to which the CJA shifted resources to deliver priorities. The survey highlighted that partners felt that the CJA should now focus its attention on high volume/prolific offenders. There was also support for inter-generational offending as a priority.

9. A one day workshop for partners and stakeholders on 2 December 2011 at Newbattle College was independently facilitated by Mr Tench. Twenty representatives of partner organisations participated including, local authorities, Scottish Prison Service, Scottish Courts Service, Job Centre Plus and the third sector. Four priorities were seen by partners as key to the CJA's annual action plan. Firstly, working with the Scottish Government to develop and communicate a 'logic model' for the whole system. This should facilitate deeper and more effective partnership working. In particular, this should promote the sharing of information about persistent offenders, the development of integrated service pathways across agencies and clarity of outcomes for the system as a whole. This was likely to be a significant piece of work. The next two suggestions for the annual action plan followed directly from the online survey and workshop discussions. They were: develop a funding formula that incentivised prevention and intelligence; and tackle persistent offenders through a 'MAPPA structure with a GIRFEC mindset'. The final priority was 'breaking the cycle' – to prevent offending by young people received strong support throughout the workshop.
10. The next steps would be redrafting the CJA's annual action plan for 2012/13 to reflect feedback from the Board, the outcomes of the CJA 'effectiveness test' and the management actions requested by Audit Scotland and City of Edinburgh Internal Audit. The Chief Officer and Mr Tench answered Members and Officers questions. With reference to paragraph 3.2 of the report, Mr Tench was asked what was meant by 'good practice'. Mr Tench explained that this involved determining whether current practice was reliable and learning from the work of other projects in terms of what was working and what was not working. It was important to find out what was happening in other areas to allow examples of good practice to be shared.

DECISION

(a) AGREED:-

- (i) to the development and communication of a 'logic model' for co-operating with designated partners in the course of 2012/13, to reduce re-offending that secured the sharing of information about persistent offenders; the development of integrated service pathways across agencies; and clarity of outcomes for the system as a whole;**
- (ii) that the CJA would approach the Edinburgh, Lothian and Borders Public Protection Strategy Group and the Criminal Justice Board to tackle persistent offenders through a 'MAPPA structure with a GIRFEC mindset;**

- (iii) **that future CJA area and action planning would reflect the contributions of all partners, collectively and individually, towards reducing re-offending; and**
 - (iv) **that progress with all duty to co-operate and designated partners around performance monitoring, improvement and the sharing of information to reduce re-offending would be subject to systematic updates to the Board.**
- (b) **AGREED to SUPPORT:-**
- (i) **work nationally and locally around the development of a funding formula that incentivises prevention and intelligence; and**
 - (ii) **an enhanced approach to 'breaking the cycle' through coordinated interventions for families at risk, women offenders and young offenders.**
11. **Women Offenders** – With reference to paragraph 9.1 of the Minute of 17 November 2011, there had been circulated copies of a report by Fiona Young, Independent Facilitator providing an update on the Women Offenders agenda, specifically on the outcome of the Women Offenders workshop that was held on 23 November 2011. The workshop considered the partnership arrangements needed to work together to respond to the needs and risks of women from Lothian and Borders in Edinburgh Prison. The report also provided an update from the meeting that took place on 2 February 2012 with the other CJA's affected by the transfer of women to HMP Edinburgh.
 12. The CJA Board had a number of statutory and regulatory expectations that were required to be met. As the accountable body for Section 27 funding, there was a statutory expectation that the CJA would agree accountability arrangements for an area plan and an action plan for reducing re-offending. In the course of agreeing the arrangements and associated actions, the CJA required agreement around the allocation and use of resources as they related to women offenders and the action planning around women offenders in Lothian and Borders.
 13. A one day workshop took place on 23 November 2011 at Newbattle College, Midlothian. The key issues that were identified from the workshop were: there were obvious gaps in co-ordination of services rather than in services themselves; minimum standards for services to all women offenders needed to be articulated, agreed and adopted; there needed to be strategic alignment between agency and partnership priorities in relation to women offenders including with the CJA Plan, ELBEG, Lothian and Borders Criminal Justice Board, and the ELB Public Protection Strategy Group; a clearer definition was needed in relation to the group of interest. Women offenders' was too broad; a clearer definition was needed around women specific outcomes and 'needs' and 'risks' and roles and responsibilities; translating strategy into delivery needed much greater focus including clarifying responsibility and accountability for delivery; systems and processes should be developed further to better meet throughcare needs; and the Cross Lothian and Borders collaboration needed to build on and support strengthened local arrangements.
 14. Further discussion was needed with partners in Lothian and Borders to develop and agree the specific details of the partnership arrangements needed for Lothian and Borders. It was recommended that this was taken forward by an appropriately tasked working group which would report to the CJA Board and would be supported

independently by Ms Fiona Young. The Chief Officer and Ms Young answered Members and Officers questions. The Chief Officer was asked what impact there would be on women offenders with £100,000 of Scottish Government funding coming to an end shortly. The Chief Officer explained that the funding would end on 31 March 2012. In the meantime other sources of funding were being sought to plug the £100,000 gap. Possible sources of funding included the reducing re-offending change fund.

**DECISION
AGREED:-**

- (a) **to further deployment of independent expertise to aid the task and finish approach to the development of partnership arrangements needed for Lothian and Borders in accordance with the draft terms of reference (Annex A) and the pan Lothian and Borders, Tayside, Northern and Fife and Forth Valley partnership arrangements through relevant working groups;**
 - (b) **to a further report being submitted to the Board in August 2012 which sets out clear discharge of the CJA's statutory and regulatory obligations together with the partnership arrangements put in place for Women offenders in HMP Edinburgh with the Scottish Prison Service; and**
 - (c) **possible sources of funding to fund women offenders services would continue to be investigated to replace the Scottish Government funding of £100,000 that would end on 31 March 2012.**
15. **CJA Group reports** – With reference to paragraph 6.3 of the Minute of 17 November 2011, there had been circulate copies of a report by Ms. Angela Gentile, Strategic Development Co-ordinator, advising on the progress of all the CJA groups and workstreams through the quarterly reporting mechanism. All of the groups/workstreams were 'commenced and on track' with no groups returning a red code for 'task not commenced/off track'.

DECISION

NOTED the current update on the work of the CJA groups and workstreams.

16. **Joint working between Midlothian, East Lothian and the Scottish Borders** – There had been circulated copies of a report by Ms Marian Gray, Group Manager, Scottish Borders Council, informing the CJA of the discussions held to date and the progress and future plans of joint working between Midlothian, East Lothian and Scottish Borders Criminal Justice Social Work Departments. Ms Kaminski explained that the Service Managers for Midlothian, East Lothian and the Scottish Borders met initially to discuss how to progress this and had subsequently met with the team leaders. A number of ideas had emerged from the meetings so far and a number of issues were subsequently being explored within each local authority. A further meeting with managers of Unpaid Work with Offenders had been arranged. It was clear that the geographic nature of the three local authorities presented significant challenges to sharing services. However, it was felt that there would be opportunity to explore the possibility of offering places on specific group work programmes, such as offending behaviour and women offenders, to offenders from across the three areas, rather than delivering the group jointly. In addition, owing to the smaller number of staff in each service it seemed most likely that the opportunity for

collaborative work would focus on staff support and professional development rather than the structural sharing of services owing to challenges of geography.

DECISION

- (a) AGREED to ENDORSE the joint working approach between Midlothian, East Lothian and Scottish Borders Criminal Justice Social Work Departments taken to date.**
- (b) NOTED the report.**

FINANCE

17. **Section 27 – Quarter 3 report** – With reference to paragraph 5.1 of the Minute of 17 November 2011, there had been circulated copies of a report by Mr Graeme Stenhouse, Finance Manager, informing Members of the Quarter 3 position in relation to the Section 27 Criminal Justice Social Work Services grant for 2011/12, and to highlight areas of significant over or under spend. The report reflected the December submission to Scottish Government and focused on the high level forecasts based on expenditure to 30 November 2011, the factors that impacted on these forecasts and the risks which might lead to changes during the year. The details provided in the individual returns would form the basis of a virement request to Scottish Government seeking to move funding from non-core underspend to meet pressure in core. Mr Stenhouse answered Members and Officers questions.

DECISION

NOTED the contents of the report.

18. **2012/13 Allocation** – There had been circulated copies of a report by Mr Graham Robertson from the Community Justice Division informing members of the CJA of the ringfenced funding allocations to the CJA for the delivery of approved core and non-core components of Criminal Justice Social Work Service Grant for the financial year 2012-13. The allocations were set out in Annex A to the report. Mr Graham Stenhouse and finance colleagues were currently working on the allocation which involved going through a modelling process. The Chief Officer advised that the allocations would be validated by the next CJA meeting which was scheduled to take place on 28 June 2012 and the Board would be updated previous to June if timescales allowed.

DECISION

AGREED that the ringfenced funding allocations to the CJA would be validated and presented to the Board at the next CJA meeting scheduled to take place on 28 June 2012.

19. **Community Payback Orders (CPO) Cashback Initiative** – With reference to paragraph 8.1 of the Minute of 17 November 2011 there had been circulated copies of a report by the Chief Officer providing an update on Lothian and Borders bids made under the Scottish Government's Community Payback Order funding initiative. The fund was being equally divided across the eight CJAs and was in two parts: Project Initiation Fund - £125K per CJA to purchase specialist and or capital equipment or vehicles; and the Payback Sport Facilities Fund - £375K per CJA to improve the capacity of unpaid work elements through identifying sports related projects which, for example, could involve the upgrading or maintenance of local community sports facilities and contribute to health improvement outcomes locally. All bids made by local councils under these initiatives, through the CJA, had been successful. The full details of successful bids are attached at Annex A for

information. The next steps were as follows: roll out projects locally in accordance with the detail of the bids made and the processes laid out in the offers of grant letters; and active promotion of the projects through local CPPs by CJA partners and stakeholders in light of the positive impact on health improvement and confidence in the criminal justice system.

20. Mr Stenhouse reported that the deadline for the bid was 16 December 2011 but unfortunately there had been some problems with the capital elements of the bid and there was no option but to postpone submission. Members and Officers expressed concern about the situation and the Chief Officer reported there was a meeting scheduled with Scottish Government on Friday 25 February. The Chief Officer agreed to voice the concerns the CJA had regarding the bid and would gain some clarity on the situation.

DECISION

- (a) **AGREED that the Chief Officer would report the concerns of the CJA regarding the bid at the scheduled meeting with Scottish Government on 25 February 2012; and**
- (b) **NOTED the positive outcome of the extensive project management by the CJA and Criminal Justice Social Work Teams.**
21. **Audited Accounts** – There had been circulated copies of a report by the Chief Officer providing confirmation of the formal processes that were now completed regarding the 2010/11 CJA final accounts. Audit Scotland undertook their review of the CJA accounts throughout 2010/11 that included the requirement for a Certificate of Internal Control commissioned by the CJA from City of Edinburgh Internal Audit. Audit Scotland published their 'Report to Members and the Auditor General on the 2009/10 Audit' in October 2011. This report was circulated to Members and published on the CJA website. Confirmation was received on 11 January 2012 that Lothian and Borders CJA Final Accounts had been laid before Parliament and could be published with no amendments.
22. Mr Allister Perston from Audit Scotland explained that the Lothian and Borders CJA could face significant challenges delivering the Area Plan 2011-14 recently approved by Ministers, within increasing financial restraints. In the past individual Councils had subsidised some aspects of the provision of Criminal Justice Social Work services but this was unlikely to be sustainable going forward in the current economic climate. Work to establish a cost baseline to inform the equitable distribution of Section 27 grant funding to constituent Councils was ongoing. The key risks described in the report were: funding of CJA admin costs and management of Section 27 funds; sustainability of service delivery; and core service unit cost review. In line with Scottish Government guidance, the management of Section 27 funds should be funded through the Section 27 allocation. A split of the SLA between Section 27 related and non-Section 27 related activities would be required in order to achieve this. There could be a possible regularity issue if grant monies applied for were used for unauthorised purposes. In terms of sustainability of service delivery, it was unlikely that Councils would subsidise Criminal Justice Social Work services which could result in the CJA being unable to deliver the required level of service. In terms of a core service unit cost review, a cross-council working group had been established to complete this work in early 2011. The risk would be that the complexities of the work involved could lead to further delays in agreeing a revised resource allocation formula.

DECISION

NOTED the report.

23. **Adopting a Problem Solving Approach to Diminishing Public Sector Resources** – There had been circulated copies of a report by the Chief Officer advising of ways to adapt to diminishing public sector resources. The problem that the CJA were trying to solve was how to ensure delivery of effective, efficient criminal justice services that reduced re-offending and demonstrated value for money against the backdrop of real time reductions in resources in Criminal Justice Social Work and the wider public sector. The key objectives were: to adopt a systematic problem solving process to an agreed problem (as described above) – the agreed problem being real time reductions in Criminal Justice Social Work Section 27 budgets; to use the IDPARTNERS/SARA problem solving process to agree creative and collaborative solutions to the funding ‘problem’ for Criminal Justice Social Work Section 27 funding; and to promote deficit reduction and the financial climate as a problem that could be resolved. The intended outputs were to create a problem solving agreement across the five Councils around the financial challenge and the inclusion of any findings and recommendations within CJA area planning and local partnership planning. The Chief Officer agreed that he would discuss ways of reducing the demand on the criminal justice services with the CJB.

DECISION

AGREED that the Chief Officer would discuss ways of reducing the demand on criminal justice services with the CJB and report progress at the next scheduled meeting of the CJA.

PERFORMANCE

24. **Community Justice Performance Framework** – With reference to paragraph 6.1 of the Minute of 17 November 2011, there had been circulated copies of a report by the Chief Officer providing an update on the ongoing development of the LBCJA Community Justice Performance Framework. At the time of writing, the CJA team was planning for the performance de-brief meeting with partners that had been scheduled to take place on 7 February 2012. The Chief Officer provided a verbal update to the Board following the de-brief meeting. Performance management emerged as a key area for development in the test of the CJA’s effectiveness test, the Audit Scotland finalised Members report and the outcome of the Public Audit Committee enquiry. The Board would continue to receive updates as this key piece of work was developed. Interim reporting would continue in the form of ‘Roadtest 3’ for the February 2012 Board and it was anticipated that a fit for purpose framework that included reporting by police, health, local government, victim support SPS, COPFS, courts service and other partners would be agreed and in place for the CJA meeting in June 2012. The specific performance management requirements for Criminal Justice Social Work had been drafted as part of the financial protocol development process.
25. The Chief Officer discussed some of the key issues within the Exception Report for Members that was published in February 2012 were the connection between financial management and performance management and the implications in terms of CJA performance. The information on performance indicated that there was a need to focus on high volume/prolific offenders. The submission in the report around drugs and alcohol was important. One in five crimes were aggravated by drugs and/or alcohol. Serious assault was the crime most aggravated by alcohol. For all crimes that related to vandalism, ten per cent were aggravated by alcohol. The NHS Borders briefing described progress that had been made with the offenders’ health

needs assessment. This was a fantastic base for shaping future delivery. The submission from the CJB highlighted that key performance indicators remained above target.

DECISION

NOTED:-

- (a) **the progress in the development of Community Justice Performance Framework in Lothian and Borders; and**
- (b) **the iterative nature of the approach and continue to feedback any suggestions Members may have around the performance reporting process.**

AOCB

26. The Chief Officer thanked Ms Gentile and Ms Guiney for organising the CJA events that had taken place over the last few months, and thanked partners for the progress that had been made with financial and performance management. Members were advised that the minutes and follow-up notes from the Learning and Innovation Workshop today would be placed on the CJA website. The Chief Officer thanked the Convener, Deputy Convener other CJA Members and wished them well.

DECISION

NOTED.

DATE OF NEXT MEETING

27. The next CJA meeting was scheduled to take place on 28 June 2012 at Newbattle Abbey College, Dalkeith. This would be the first CJA meeting following the local council elections in May 2012.

DECISION

NOTED.

The meeting concluded at 3.25 p.m.